

not disclose the pulling apart of the central portion to separate the central portion of each tube from the center portion of the other tube.

The examiner then relies on Sakurada as disclosing a method for preparing an annular sustained release pheromone-dispenser by pulling apart the central portion to separate the central portion of each tube and refers to Fig. 1, 18 and column 14, lines 65-67 and column 15, lines 1 and 2. However, it is submitted that this does not represent an accurate characterization of the disclosures of each of these references, particularly, in connection with their possible relevance to the present invention.

The method of the present invention as recited in claim 10 requires the arranging of a plurality of continuous plastic tubes which are filled with a liquid pheromone, fusing the tubes together by heating under pressure to connect the tubes to each other at that point, and cutting the tubes at each such fuse portion to produce a dispenser which is composed of two side by side tubes having end portions connected to each other and a central portion and then pulling apart the central portion to separate the central portion of each tube from the central portion of the other tube. Clearly, as claimed and as shown in the drawings of the present application, after fusing, each fused portion must be cut in order to produce the side by side tubes having end portions connected to each other. The process of Coplan cannot produce such an array of tubes. Rather, as is clearly shown in Fig. 3a as well as Fig. 4a and Fig 4b and the description in connection therewith, the cut in the tubes after fusing is made at a place wherein the tubes are not fused or only at a single fused portion. Note particularly, the "cut line" as depicted in Fig. 3a. Moreover, it is clear that one end of the tubes in Coplan et al must be open. Thus, the tubes are not cut such that "each" fused portion is cut to produce the dispenser. Manifestly, in order to produce the dispenser of Coplan et al,

a cut must be made at a point where there is no fusion. In the case of the embodiment depicted in Figs. 4a and 4b, only one fused portion is provided so that when it is cut, the opposing end of the tube is open.

In as much as the opposing end of the tube is open, there would be no reason to spread apart the central portions of the tubes since the pheromone clearly escapes through the open end portion of the tube.

In addition, the Sakurada et al Patent, while it does show at element 18 of Fig. 1, a cyclic tube wherein plural tubes are linked and attached at their both ends, it provides absolutely no information to one skilled in the art as to how this is achieved. Certainly, it does not suggest that the tubes initially are side by side and then central portions are pulled apart. Consequently, this reference, contrary to the examiner's assertion, does not suggest a step of taking tubes which have been fused at each end and are in a side by side relationship and pulling them apart at a central portion to separate the central portion from the end portion.

One skilled in the art, upon reviewing of Sakurada et al would find nothing therein which suggests the actual "pulling apart" step as required by the present claims. Moreover, as noted above, there certainly is no motivation in the secondary reference to apply such a "pulling apart" step to the device shown in Coplan et al. This is particularly so in light of the fact that the device shown in Coplan et al always has an open end because of the nature of the place where the tubes are cut, i.e., either at a place other than the fused portion a shown in Fig. 3a, or at a single fused portion in a tube such that an open end is created. Accordingly, the skilled artisan would find no reason to combine these references in

the manner as attempted by the examiner and this rejection is improper and should be withdrawn.

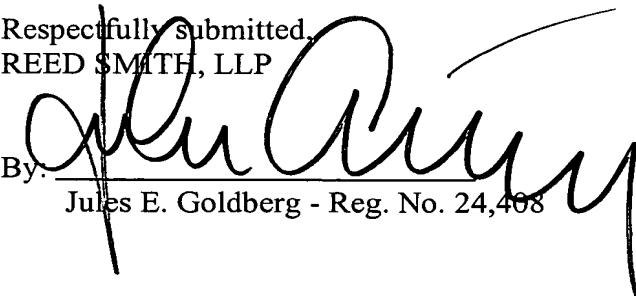
In view of the foregoing, it is submitted that this application is now in condition for allowance and favorable reconsideration and prompt notice to that affect are earnestly solicited.

October 4, 2001  
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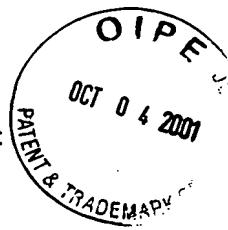
JEG:ss  
Encls.: Marked-up copy of claims 6 and 9.

Respectfully submitted,  
REED SMITH, LLP

By:

  
Jules E. Goldberg - Reg. No. 24,408

Marked-up copy of amend claims:



--6. (Amended) The method for preparing an annular sustained release pheromone-dispenser as set forth in claim [10]9 wherein the plurality of plastic tubes are fused by heating under a pressure after sandwiching the portion to be fused between a pair of pieces made of a plastic identical to that of the plastic tubes.--

--[10]9. (New) A method for preparing an annular sustained release pheromone-dispenser comprising arranging a plurality of continuous plastic tubes filled with a liquid synthetic sex pheromone by aspiration, fusing the tubes together at predetermined points by heating under pressure to connect the tubes to each other at that point, cutting the tubes at each such fused portion to produce a dispenser composed of two side by side tubes having end portions which are connected to each other and a central portion and pulling apart the central portion to separate the central portion of each tube from the central portion of the other tube.--

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